

NOTICE

TO ALL INTERESTED PERSONS:

YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING CHANGES IN THE RED CLIFF CODE OF LAWS HAS BEEN PROPOSED TO THE TRIBAL COUNCIL:

PERTAINING TO CHAPTER 23 – CURFEW AND LOITERING

CHANGES AND ADDITIONS ARE INDICATED AS **BOLD** AND *ITALICIZED*
DELETIONS ARE INDICATED WITH ~~STRIKETHROUGHS~~.

Amend various sections of Chapter 23 -- to read as follows:

CHAPTER 23 – CURFEW AND LOITERING

- 23.1 SECTION 1- CURFEW VIOLATIONS- SCHOOL MONTHS
- 23.2 SECTION 2- RESTRICTIONS IN THE ***LEGENDARY WATERS***
MARINA/CAMPGROUND AREA
- 23.1 SECTION 3- RESTRICTIONS IN THE ~~RED CLIFF LANES AND BINGO
CENTER~~***LEGENDARY WATERS RESORT & CASINO***

CHAPTER 23 – CURFEW AND LOITERING

- 23.1 SECTION 1: CURFEW VIOLATIONS
- 23.1.1 It shall be unlawful for any person within the exterior boundaries of the Red Cliff Reservation who is 15 years old or younger to loiter or play in or upon the highways, roads, parks, docks, buildings, vacant lots, or other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. (9-20-05C)

- 23.1.2 It shall be unlawful for any person within the exterior boundaries of the Red Cliff Reservation who is 16 or 17 years of age to loiter or play in or upon the highways, roads, parks, docks, buildings, vacant lots, or other unsupervised places between the hours of 12:00 a.m. and 5:00 a.m. (9-20-05C)
- 23.1.3 In the event, the minor is accompanied by a parent, or guardian, or other adult person, having the care and custody of the minor, or is attending a special event sponsored by the Red Cliff Tribe, or other reasonable activity, this section shall not apply.
- 23.1.4 It shall be unlawful for any parent, guardian, or other person having lawful care, custody, and control of any person under the age of 18 years to allow or permit such person to violate the provisions of 23.1.1.
- 23.1.5 Any conviction of section 23.1.1 shall be subject to a minimum monetary penalty of not less than \$20.00 and no more than \$250.00, plus any other remedies the court deems appropriate.

23.2 SECTION 2: RESTRICTIONS IN THE **LEGENDARY WATERS** MARINA/CAMPGROUND AREA

- 23.2.1 It shall be unlawful for any person who is under the age of 18 to loiter or play in or upon the ~~Red Cliff~~ **Legendary Waters** Campground and Marina area at anytime unless under the direct supervision of a parent or guardian.
- 23.2.2 No person shall at anytime swim from or dive from the dock located in the ~~Red Cliff~~ **Legendary Waters** Marina.
- 23.2.3 No one who is under the age of 18 shall fish from the dock located in the ~~Red Cliff~~ **Legendary Waters** Marina unless under the direct supervision of a parent or guardian.
- 23.2.4 Anyone who is under the age of 18 and who violates any provision of this ordinance shall be fined no less than \$5.00 and no more than \$20.00. The parent or guardian must accompany the child to Tribal Court and will be held responsible for payment of the fine.
- 23.2.5 Any person 18 years of age or over who is found in violation of this provision may be fined no less than \$10.00 and no more than \$25.00. The person found in violation of this ordinance may be required to appear in Tribal Court.
- 23.2.6 No person while in the boundaries of the ~~Red Cliff~~ **Legendary Waters** Marina/Campground area shall engage in violent, abusive, indecent, profane, boisterous, and unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

23.2.7 Any person convicted of violating section 23.2.6 shall be subject to a monetary penalty of not less than \$10.00 and no more than \$250.00, plus any other remedy the court may deem appropriate. In the event the alleged offender is a minor, the minor's parent, guardian, or legal custodian must accompany the minor to court and will be held responsible for the payment of any monetary penalty.

23.3 SECTION 3: RESTRICTIONS IN ~~RED CLIFF LANES AND BINGO~~
~~CENTER~~**LEGENDARY WATERS RESORT & CASINO**

23.3.1 DEFINITIONS. In this chapter unless otherwise defined.

- (a) "ALCOHOL" means fermented malt beverages or intoxicating liquor.
- (b) "BAR" means a room in which alcohol is sold.
- (c) "LEGAL DRINKING AGE" means the minimum legal drinking age as defined by the laws of the State of Wisconsin.
- (d) "MANAGEMENT" means the Red Cliff Band and its officers, who manage the ~~Red Cliff Lanes and Bingo Center~~ **Legendary Waters Resort & Casino**.
- (e) "PREMISES" means ~~the Red Cliff Bingo Hall, Bowling Alley or Bar/Lounge,~~ **all areas of the Legendary Waters Resort & Casino**, including but not limited to **the bar/lounge, hotel, campground, marina**, entranceways, hallways, restrooms, parking or other areas.
- (f) "UNDERAGE PERSON" means a person who has not attained the legal drinking age as defined in paragraph 23.3.1 (c) A person who refuses to provide proof of age or who cannot provide proof of age satisfactory to management shall be presumed to be underage.

23.3.2 No person shall enter or remain on premises unless he or she is at all times actively engaged in **gaming**, bingo, ~~bowling~~ or restaurant activities **unless a guest at the hotel**. A person, who remains in a hallway, foyer, restroom, parking or other area for longer than 5 minutes, whether or not such person is then consuming food or drink, shall be presumed not to be engaged in **gaming**, bingo, ~~bowling~~ or restaurant activities.

23.3.3 No underage person shall enter the ~~bar/lounge area~~, unless employed by the ~~Red Cliff Lanes and Bingo Center, or the Isle Vista Casino~~ **Legendary Waters Resort & Casino**.

23.3.4 No underage person shall buy, take, possess, carry or consume alcohol under any circumstances on the premises.

- 23.3.5 No person shall authorize, consent to, make available, or cause the use or consumption of alcohol by an underage person. A person who furnishes alcohol to an underage person is presumed to know the age of the underage person.
- 23.3.6 No person, while on the premises, shall buy, sell, take, possess, carry, or consume any controlled substance as defined by 21 U.S.C., sec. 802(6) unless a physician issued a valid prescription for such substance to such person.
- 23.3.7 No person while on the premises shall engage in violent, abusive, indecent, profane, boisterous, and unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
- 23.3.8 No person shall buy, sell, take, possess, or carry any open container of alcohol in any parking area of the premises.
- 23.3.9 No underage person shall enter or remain on the premises after 11:00 p.m.
- 23.3.10 No person shall refuse to leave the premises after being requested to do so by management.
- 23.3.11 No person shall enter the premises after being refused admittance by the management.
- 23.3.12 An underage person who violates any provision of this ordinance shall be subject to immediate removal from the premises and shall be subject to a civil forfeiture of not less than \$10.00 nor more than \$50.00. The parent or guardian must accompany an underage person who is not eighteen to Tribal Court and will be held responsible for payment of the forfeiture.
- 23.3.13 Any person 19 years of age or older who violates any provision of this ordinance shall be subject to immediate removal from the premises and shall be subject to a civil forfeiture of not less than \$25.00 nor more than \$1,000.00. (Resolution 03-18-03A)
- 23.3.14 Any person who fails to pay a civil forfeiture shall not enter the premises until said forfeiture is paid in full.

PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED. PLEASE DROP YOUR COMMENTS AT THE TRIBAL ADMINISTRATION BUILDING, OR FORWARD THEM DIRECTLY TO THE TRIBAL COUNCIL. THIS PROPOSAL WILL BE VOTED UPON ON Monday November 5th, 2012 AT THE REGULAR MEETING OF THE RED CLIFF TRIBAL COUNCIL. IF THE COUNCIL ENACTS THIS CODE CHANGE, THE CODE CHANGE SHALL BECOME EFFECTIVE ON **upon enactment.**

DATED: **October 2, 2012**